BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 388 19 85

Bill H 665 S _____ Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Public Hlth, Welfare & Safety		
Hearing Date(s)	Feb 22	✓ C	Hearing Date(s)	Mar 20	✓ C
	Feb 23	✓ C		Mar 23	✓ C
		C			C
		C			C
Date Out	Feb 23	✓ C		Mar 23	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 665

INTRODUCED BY KEENAN, JACOBSON, HALLIGAN, MAZUREK, REAM, LORY, FRITZ, HANSEN, KADAS, BRADLEY

IN THE HOUSE

February 4, 1985	Introduced and referred to Committee on Judiciary.
February 23, 1985	Committee recommend bill do pass as amended. Report adopted.
February 25, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 27, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 23, 1985	Committee recommend bill be concurred in. Report adopted.
March 27, 1985	Second reading, concurred in.
March 29, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.
	Returned to House.

IN THE HOUSE

March 29, 1985	Received from Senate.
	Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 665

INTRODUCED BY Keenan Jacobson, Kaltya Mogard
Ream Long Fritz Stella Jacobsen Kadas Bradley

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURES INVOLVED IN TERMINATING THE PARENT-CHILD LEGAL RELATIONSHIP; AMENDING SECTIONS 41-3-603, 41-3-607, 41-3-609, AND 41-3-610, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-603, MCA, is amended to read:

"41-3-603. Definitions. As used in this part, unless the context otherwise requires, the following definitions apply:

(1) "Guardian ad litem" means a person appointed to represent a child who is the subject of a ~~written-motion~~ petition for the termination of the parent-child legal relationship.

(2) "Youth in need of care" means a youth who is dependent, abused, or neglected as defined in 41-3-102.

(3) "Parent-child legal relationship" means the legal relationship that exists between a child and his birth or adoptive parents as provided in Title 40, chapter 6, part 2, unless that relationship has been terminated by competent judicial decree as provided in this part or in 40-6-135 or in 40-6-234.

(4) "Treatment plan" means a written agreement between the department or court and the parents that includes action that must be taken to resolve the condition or conduct of the parents that resulted in the need for protective services for the child. The treatment plan may involve other parties, if necessary, for protective services."

Section 2. Section 41-3-607, MCA, is amended to read:

"41-3-607. Petition for termination -- separate hearing -- right to counsel -- no jury trial. (1) The termination of a parent-child legal relationship shall be considered only after the filing of a petition pursuant to 41-3-401 alleging the factual grounds for termination. Termination of a parent-child legal relationship shall be considered at a dispositional hearing held pursuant to 41-3-406, following or together with an adjudicatory hearing held pursuant to 41-3-404, within 60 days after the filing of the petition.

(2) After the county attorney, attorney general, or an attorney hired by the county welfare department files a petition for termination of a parent-child relationship pursuant to this part, parents shall be advised of the right to counsel, and counsel shall be appointed in accordance with 41-3-401(12).

(3) ~~An-attorney,-who-whenever-possible--shall--be--the child's--previously--appointed~~ A guardian ad litem, shall be

INTRODUCED BILL
HB 665

Montana Legislative Council

appointed to represent the child's best interests in any hearing determining the involuntary termination of the parent-child legal relationship. The ~~attorney~~ guardian ad litem shall continue to represent the child until the child is returned home or placed in an appropriate permanent placement. If a respondent parent is a minor, a guardian ad litem must be appointed to serve the minor parent in addition to any counsel requested by the parent.

(4) There is no right to a jury trial at proceedings held to consider the termination of a parent-child legal relationship."

Section 3. Section 41-3-609, MCA, is amended to read:

"41-3-609. Criteria for termination. (1) The court may order a termination of the parent-child legal relationship upon a finding that the circumstances contained in subsection (1)(a), (1)(b), or (1)(c), as follows, exist:

(a) the parents have relinquished the child pursuant to ~~40-6-132 through 40-6-134~~ 40-6-135;

(b) the child has been abandoned by his parents as set forth in 41-3-102(3)(d); or

(c) the child is an adjudicated youth in need of care and both of the following exist:

(i) an appropriate treatment plan that has been approved by the court has not been complied with by the parents or has not been successful; and

(ii) the conduct or condition of the parents rendering them unfit is unlikely to change within a reasonable time.

(2) In determining whether the conduct or condition of the parents is unlikely to change within a reasonable time, the court must enter a finding that continuation of the parent-child legal relationship will likely result in continued abuse or neglect or that the conduct or the condition of the parents renders the parents unfit, unable, or unwilling to give the child adequate parental care. In making such determinations, the court shall consider but is not limited to the following:

(a) emotional illness, mental illness, or mental deficiency of the parent of such duration or nature as to render the parent unlikely to care for the ongoing physical, mental, and emotional needs of the child within a reasonable time;

(b) a history of violent behavior by the parent;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child caused by the parent;

(d) excessive use of intoxicating liquor or of a narcotic or dangerous drug that affects the parent's ability to care and provide for the child;

(e) present judicially-ordered long-term confinement of the parent;

(f) the injury or death of a sibling due to proven parental abuse or neglect; and

(g) any reasonable efforts by protective service agencies that have been unable to rehabilitate the parent.

(3) In considering any of the factors in subsection (2) in terminating the parent-child relationship, the court shall give primary consideration to the physical, mental, and emotional conditions and needs of the child. The court shall review and, if necessary, order an evaluation of the child's or the parent's physical, mental, and emotional conditions.

(4) A treatment plan is not required under this part upon a finding by the court following hearing if:

(a) two medical doctors submit testimony that the parent is so severely mentally ill that such person cannot assume the role of parent;

(b) the parent is incarcerated for more than 1 year and such treatment plan is not practical considering the incarceration; or

(c) the death of a sibling caused by abuse or neglect by the parent has occurred."

Section 4. Section 41-3-610, MCA, is amended to read:

"41-3-610. Review following termination. (1) At the conclusion of a hearing in which the court orders termination of the parent-child legal relationship, the

court shall order that a review hearing be held within 180 days following the date of the termination to determine if the child has been permanently placed.

(2) At the review hearing, the agency or individual vested with the custody of the child shall report to the court whether the plan for permanent placement of the child has been accomplished. ~~The~~ If the child is not in a permanent placement at the time of the review hearing, the guardian ad litem shall submit to the court a written report with recommendations, based upon an independent investigation, for disposition meeting the best interests of the child.

(3) The court may order the agency or individual vested with custody of the child to report, at appropriate intervals, on the status of the child until the plan for permanent placement of the child has been accomplished."

NEW SECTION. Section 5. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

3/21 COMMITTEE REPORT-BILL CONCURRED
3/23 2ND READING CONCURRED 49
3/26 3RD READING CONCURRED 49

RETURNED TO HOUSE
3/28 SIGNED BY SPEAKER
3/28 SIGNED BY PRESIDENT

3/28 TRANSMITTED TO GOVERNOR
4/01 SIGNED BY GOVERNOR
CHAPTER NUMBER 285 EFFECTIVE DATE: 4/01/

HB 663 INTRODUCED BY JANET MOORE, HARBIN, ET AL.
SEELEY-SWAN SCENIC HIGHWAY; PRESERVE AND ENHANCE SCENIC BEAUTY

2/04 INTRODUCED
2/04 REFERRED TO HIGHWAYS & TRANSPORTATION
2/05 FISCAL NOTE REQUESTED
2/11 FISCAL NOTE RECEIVED
2/16 HEARING
2/25 ON MOTION PLACED ON 2ND READING
2/27 2ND READING DO NOT PASS 67
2/27 BILL KILLED

HB 664 INTRODUCED BY FRITZ, HANSEN, ET AL.
REVISE CHILD ABUSE OR NEGLECT REPORT AND ACCESS T INFORMATION LAW

2/04 INTRODUCED
2/04 REFERRED TO JUDICIARY
2/07 HEARING
2/08 ADVERSE COMMITTEE REPORT
2/11 BILL KILLED 64

HB 665 INTRODUCED BY KEENAN, JACOBSON, ET AL.
REVISE PROCEDURE FOR TERMINATING PARENT-CHILD RELATIONSHIP

2/04 INTRODUCED
2/04 REFERRED TO JUDICIARY
2/22 HEARING
2/23 COMMITTEE REPORT-BILL PASS AS AMENDED
2/26 2ND READING PASS
2/27 3RD READING PASS

TRANSMITTED TO SENATE
3/05 REFERRED TO PUBLIC HEALTH, WELFARE & SAFET
3/20 HEARING
3/23 COMMITTEE REPORT-BILL CONCURRED
3/27 2ND READING CONCURRED
3/29 3RD READING CONCURRED

RETURNED TO HOUSE
4/04 SIGNED BY SPEAKER
4/04 SIGNED BY PRESIDENT

4/04 TRANSMITTED TO GOVERNOR
4/08 SIGNED BY GOVERNOR
CHAPTER NUMBER 388 EFFECTIVE DATE: 10/

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 22, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Friday, February 22, 1985 at 7:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Brown who was previously excused.

CONSIDERATION OF HOUSE BILL NO. 686 and 665: Rep. Nancy Keenan, House District #66, chief sponsor of these bills, testified. House Bill 686 revises the procedures relating to the filing and conduct of child abuse, neglect, or dependency proceedings. Section 1 provides for an extension allowing that petitions can be filed not only by the county attorneys but by the attorney general or an attorney hired by the county welfare department. She said that oftentimes, a county attorney cannot handle his heavy caseload, and this provides a safety valve proceeding. She went over the other provisions that the bill provides. House Bill 665 is an act to revise the procedures involved in terminating the parent-child legal relationship.

Noel Larrivee, an attorney from Missoula, testified as a proponent to HB 686 and HB 665. He described some of the problems that he has observed with regards to allowing only the county attorney to be able to file these petitions. He briefly addressed the rest of the changes as provided in HB 686 which he described as mostly housekeeping measures.

John Madsen, representing the Department of Social and Rehabilitation Services, stated that the department supports all the changes requested in HB 686. He said the changes made on page 1, lines 24 and 25, are for the benefit of the protection of the child. Also, on page 5, the changes made are not only a protection for the child, but more importantly the protection of the parent to fully understand what the allegations are that have been brought against him and what the court has required them to do.

Warren Wright, representing the Missoula Child and Family Resource Council who has also worked for the Department of S.R.S. for 11 years as an investigator and treater of child abuse and neglect, testified as a proponent. One of the three areas he wised to concentrate on has to deal with the ability to hire an attorney to represent local offices. The second issue deals with a time limit which is absolutely

necessary. He feels that there are certain incidences when the court should have the leeway to say that a treatment plan is not appropriate in a particular case.

There being no futher proponents or opponents, Rep. Kennan closed.

The floor was opened for questions.

Rep. Keyser feels that the amendment proposed by Mr. Larrivee to amend page 1, line 13 by inserting following "department" the words "or office of human services" would grant some of the broadest powers he has ever seen granted to a state agency. They may require all state agencies, all county and municipal agencies including law enforcement agencies to conduct such an investigation and furnish the department reports as may be necessary. He has never heard of such a broad-sweeping request in the name of an act to protect youth. He hopes that by adopting this language, we are not creating a monster. In response, Mr. Larrivee doesn't feel that a monster is being created. He doesn't feel there will be a problem with an attorney telling law enforcement how to do their jobs. You have a situation where if one person doesn't act, nothing happens, and the child is left in an environment that is either abusive or neglectful. If no action is taken, unless some sort of safety valve is provided for that, social workers will be able to go and have the petition filed, the abuse of these children will continue by leaving those children in that particular home. There simply isn't any other method available besides the method being proposed here, stated Mr. Larrivee.

Rep. Keyser argued that the law, the way it is written with Mr. Larrivee's proposed amendment, absolutely gives an attorney hired by the county welfare department and/or the office of human services the right to do exactly that. He has no problem with allowing the attorney general to do this, but when referring to the county welfare department and the office of human services, he sees a big problem.

Rep. Hannah asked Mr. Larrivee if he was, in fact, telling this committee that county attorneys are not taking child abuse cases seriously by not filing petitions thereby requiring that authority be given to the county welfare department. Mr. Larrivee said that you can go to any county and talk with any front-line social worker, and they will give you instance after instance of where they have gone to the county attorney's office, and for whatever reasons, the case was not filed.

Rep. Krueger has a concern with regards to the time frame of 60 days on page 2, line 16 of SB 665. He wanted Mr. Larrivee to comment on this. Mr. Larrivee said that Rep. Krueger indicated

that it is legally possible to go into court and file just a petition for termination of parent/child legal relationship under Chapter 6 of this particular section. What this particular change would do then is mandate a hearing within 60 days if that were to occur. The chances of that occurring is actually remote. In terms of a time period of 60 days versus 180 days, Mr. Larrivee stated that he is not sure where the magical figure is. He feels that the answer lies somewhere in-between.

There being no further questions, hearing closed on HB 665 and 686.

CONSIDERATION OF HOUSE BILL NO. 793: Rep. Nancy Keenan, House District #66, chief sponsor of HB 793, testified in support of the bill. She said this is an act defining domestic violence. Section 46-6-401 is being amended to include domestic violence as reasonable grounds in that particular section, defining what domestic violence is and requiring that a written report of the peace officers be submitted. When she was researching this issue, she found no documentation on how many cases law enforcement was called to and if it was documented domestic violence. It was documented as disturbance. There are not statistics in this state that can be drawn from other than when a case is filed as a homicide. She stated that 60% of all married women are subject to domestic violence at one time during their life. Twenty percent of women are beaten regularly. She feels that this bill provides a deterrent.

Amy Pfeifer, representing the Women's Law Caucus at the University of Montana School of Law, testified as a proponent to this legislation. She said that family violence occurs in this country at staggering proportions. Each year thousands of men,women, and children must deal with the tragedy of family violence. She urged the committee to support HB 793.

Caryl Wickes Borchers, representing the Montana Coalition Against Family Violence, testified as a proponent to HB 793. A copy of her written testimony was submitted and marked Exhibit B and attached hereto.

Melinda (she gave no last name) from Great Falls, testified in support of this bill. A copy of her written testimony was marked Exhibit C and attached hereto.

(Rep. Brown came in.)

Boyce Fowler, program manager of domestic violence, Department of S.R.S. urged the committee to pass HB 793. Although this bill does not affect the operation of the Domestic Violence Program, it does affect the client/clientele certified shelters and the programs.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/22/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)			✓
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara			
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 23, 1985

An executive session of the Judiciary Committee was called to order by Chairman Tom Hannah on Saturday, February 23, 1985 at 12:00 o'clock noon in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Reps. Darko and Poff who had been previously excused, and who had left their proxy votes with the chairman.

ACTION ON HOUSE BILL NO. 665: Rep. Hammond moved that HB 665 DO PASS. The motion was seconded by Rep. Eudaily.

Rep. Hammond moved on page 2, line 19 following "department" insert "or office of human services". The motion was seconded by Rep. Miles and carried unanimously.

Rep. Kreuger further moved on page 2, line 16 by striking "60" and inserting "180". The motion was seconded by Rep. Montayne.

The questionwas called, and the motion to amend carried unanimously.

Rep. Hammond further moved that HB 665 DO PASS AS AMENDED. The motion was seconded by Rep. Miles and discussed.

Rep. Hannah stated his concern with extending the time frame from 60 days to 180 days. He was concerned with the child involved and how the increase in time frame may affect the child.

It was Rep. Krueger's position that extending the time frame would be in the best interests of the child.

The question was called, and the DO PASS AS AMENDED motion carried 14-4. (See roll call vote.)

ACTION ON HOUSE BILL NO. 686: Rep. Hammond moved that HB 686 DO PASS. The motion was seconded by Rep. Miles.

Rep. Hammond moved on page 1, line 13 following "department" to insert "or office of human services". This motion would extend to other parts in the bill where the office of human services is appropriate. The motion was seconded by Rep. Addy and discussed.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

EXECUTIVE SESSION - 12:00 noon

Date 2/23/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko			✓
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff			✓
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

23
February 2X 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 665

FIRST reading copy (WHITE color)

REVISE PROCEDURE FOR TERMINATING PARENT-CHILD RELATIONSHIP

Respectfully report as follows: That HOUSE Bill No. 665

be amended as follows:

1. Page 2, line 16.
Strike: "60"
Insert: "130"

2. Page 2, line 19.
Following: "department"
Insert: "or office of human services"

AND AS AMENDED,
DO PASS

Chairman.

REP. TOM HANNAH

STATE PUB. CO.
Helena, Mont.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE February 23, 1985 BILL NO. 665 TIME 12:45

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene	✓	
John Cobb		✓
Paula Darko	✓	
Ralph Eudaily	✓	
Budd Gould		✓
Edward Grady	✓	
Joe Hammond	✓	
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara	✓	
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)		✓
Tom Hannah (Chairman)		✓

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Hammond moved that HB 665 DO PASS AS AMENDED.

The motion was seconded by Rep. Miles and passed 14-4.

CS-31

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

MARCH 20, 1985

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Wednesday, March 20, 1985 in Room 410 of the State Capitol at 12:30.

ROLL CALL: All members were present. Senators Lynch and Newman arrived late. Karen Renne, staff researcher, was also present.

There were numerous people in attendance. See attachments.

CONSIDERATION OF HOUSE BILL 627, 665, and 686: Representative Nancy Keenan of House District 66 in Ananconda, the chief sponsor of the bills, gave a brief resume of the them. She stated that since the bills are considered a package she would like to handle the three together if that was permissible with the chairman of the Committee. Senator Jacobson stated that would be fine.

HOUSE BILL 627 is an act to specify the general duties of a guardian ad litem in cases of child abuse or neglect.

HOUSE BILL 665 is an act to revise the procedures involved in terminating the parent-child legal relationship.

HOUSE BILL 686 is an act to generally revise the procedures elating to the filing and conduct of child abuse, neglect, or dependency proceedings.

Representative Keenan stated that HB 627 simply states that the guardian ad litem in cases of child abuse does not have to be an attorney.

HB 665 is to enable people to get into court more quickly for the protection of the children.

HB 686 is a safety measure which would require the county attorney hired by the county welfare department to file petitions alleging abuse or neglect of a child. This bill would protect both the child and the parents.

Noel Larivee, an attorney in private practice from Missoula, stood in support of the three bills. He stated that HB 627 would place the guardian ad litem as the spokesman for the child and would also state that the guardian ad litem does not need to be an attorney.

Mr. Larivee stated that HB 665 would allow court proceedings to come about in a more timely manner for the benefit of both the child and the parents. This would require a written report.

He stated that HB 686 allows that if a county attorney fails to file proceedings for the safety of the child in child abuse situations, then the attorney general or an attorney hired by the county welfare may file the petition.

Warren Wright of the Missoula Child and Family Resource Council stood in support of the bills. He stated that HB 627 just spells out the duties of a guardian ad litem which does not have to be an attorney. HB 686 will protect the child and also the parent. Many times abuse cases are ignored and let go on for a long time with nothing being done. An attorney needs to file a petition as soon as possible and the hearing must then be held within 20 days of when the petition is filed. HB 665 would terminate the rights of the parents when a sibling has been killed by the parent, the parent is incarcerated for more than one year or if two medical doctors submit testimony that the parent is so severly mentally ill that such person cannot assume the role of parent.

John Madsen, representing the Department of Social and Rehabilitation Services, stood in support of the bills. He stated that HB 627 would enchance children's representation. Parents and children's rights are being protected in these bills. HB 686 will require that a petition be filed inthe quickest time possible. These issues need to be dealth with now. It is a real problem with child abuse and neglect.

Senator Gary Aklestad of Senate District 6, stood in support of HB 686. However, he offered an amendment on page 5, line 19, following: "therein"; insert: "The parents must be notified before the terms of the order may be carried out.

Senator Aklestad stated that there was a case in his district where a child had been picked up at school by the authorities and the father did not know for several days, the where abouts of his child. He felt that this amendment would be for the benefit of everyone concerned and would save the parents alot of grief, concern and distress.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Towe asked if a guardian is necessary in every case. Representative Keenan replied "yes" that it is a federal mandate that each child have a guardian.

Senator Lynch addressed the Aklestad amendment. He stated that he feels that this is being done already as most social workers do notify the parents.

Noel Larivee stated that SRS is obligated to notify the parents.

Senator Towe asked if there have been cases where the county attorney did not file a petition. Mr. Larivee stated that there had been a case where the child of a well known family had been abused shortly before election time. The county attorney did not file the petition and the child was sent out of state until after the election. This bill, HB 686, would give some recourse.

Senator Towe stated that there needs to be proof of abuse or neglect. The child could have the ultimate weapon and destroy his parents life by having an attorney file abuse charge against the parents, when in fact, there had been none.

Senator Hager asked if the court appoints the guardian ad litem. Representative Keenan stated that the court appoints a guardian ad litem for any child alleged to be abused or neglected.

Rachel Leadsimone of Anaconda arrived. She is a guardian in child abuse cases. She explained her duties. She is to represent the child's interests, to conduct investigation into the matter, to visit with the child, read the records, talk with the parents, school officials, foster parents, and others as she feels necessary. She then prepares a file with her statements and files the report.

Senator Hager asked if the guardians are trained in any way. Noel Larivee reported that the guardians do under go training.

Representative Keenan closed. She stated that HB 627, 665, and 686 are a composite package which have been closely reviewed. She urged the Committee to concur with the House on these bills.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/20/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	late		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	late		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

NAME: Rachel Lieder Simon DATE: _____

ADDRESS: 208 E Third Anaconda

PHONE: 563-2053

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HB 627, 669, 636

DO YOU: SUPPORT? / AMEND? _____ OPPOSE? _____

COMMENTS: called by Dael Larrivee

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A motion was made by Senator Lynch that HB 627 BE CONCURRED IN. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 665: Representative Nancy Keenan of Anaconda is the chief sponsor of House Bill 665. This bill is an act to revise the procedures involved in terminating the parent-child legal relationship.

A motion was made by Senator Lynch that HB 665 BE CONCRRED IN. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

DISCUSSION ON HOUSE BILL 686: Representative Nancy Keenan of Anaconda is the chief sponsor of HB 686. This bill is an act to generally revise the procedures relating to the filing and conduct of child abuse, neglect, or dependency proceedings.

The Akelstad amendment was offered. This would require that the parent be notified before the terms of the order may be carried out.

Senator Lynch stated that if the parents are notified first, the child could be in jeopardy.

Senator Jacobson stated that this bill address children's rights as well as those of the parents.

Senator Norman asked if the state has a moral obligation to notify the parents.

Karen will draft amendments which would address the concerns of the Committee and bring them to one of the next meetings for their consideration.

Senator Jacobson stated that she feels that this bill would help the children that need help.

Senator Towe stated that kids have the ultimate weapon and they could ruin the lives of their parents by screaming "abuse" when in fact, there had been none.

A motion was made by Senator Lynch that the bill be passed consideration for the day. Motion carried.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 2/22/

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	✓		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	✓		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 23 19 85

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 665

third reading copy (white color)

REVISE PROCEDURE FOR TERMINATING PARENT-CHILD RELATIONSHIP

KEENAN (JACOBSON)

Respectfully report as follows: That House Bill No. 665

~~DO PASS~~

BE CONCURRED IN

~~DO NOT PASS~~

SENATOR JUDY JACOBSON,
Chairman.